A Disagreement Seems Likely-Jerome Contemplating a Third Trial-Justice Dowling's Charge Was Satisfactory

to Both Sides-Little Interest Shown The Thaw jury was looked up last night at 11:10 o'clock, having failed to agree upon a verdict. At that time it was said that the jury stood six for acquittal on the ground of insanity and sixifor conviction of homicide in some degree. This information was not official. At one time it was said that the jurors stood eight for acquittal on the ground of insanity and four for conviction of murder in the first degree. The jury was locked up until 10:30 o'clock this morn-

No definite information came from the jury room Justice Dowling spent the evening at the Manhattan Club and received reports from the court room, although it was said he did not inquire as to how the jury stood. When he was told by Capt. William Ricketts at 11 o'clock that there was no possibility of the jury agreeing at that hour Justice Dowling gave the order to lock the jury up for the night.

Outside of the officials and the newspaper men no great interest was shown in the result about the Criminal Courts Building. The policemen stood around, but they had little to do. A few women who had been looking over Chinatown dropped in and were shooed away.

The District Attorney's office was kept open all the evening. Mr. Littleton and Mr. O'Reilly were near by. Evelyn Nesbit Thaw waited in the room upstairs next to the pen where Harry Thaw had been sitting while the jury was deliberating. Before the defendant was taken back to the Tombs she kissed him good night.

From the meagre reports that came from the jury room it seems almost a certainty that the jury will disagree. Any applica-tion made by the defence for the release of Thaw will be vigorously opposed by the District Attorney. It is the understanding now that, if neces-

sary, Thaw will be tried a third time. Late last night the District Attorney was contemplating a third trial. It is expected that Thaw's relatives, in the event of a disagreement, will attempt to get him out on bail, but there seems no doubt that this will be fought by the District Attorney. THE LONG WALT BEGINS

Immediately after the jury retired Thaw's wife went up to the detention pen, where she stayed with her husband until he went over to the Tombs at half past 1 o'clock to have luncheon. Thaw's mother and sister went to the Hotel Lorraine, where they have been staying ever since they arrived in town. Mrs. Thaw arranged with Thaw's counsel to telephone her the news from time to time, and she did not visit the Criminal Courts Building or see her son again in the course of the afternoon and evening. Thaw himself, it was said, bore the strain of waiting very well, despite the fact that he is suffering from a

severe cold, which showed itself now and then in an attack of coughing while Justice Dowling was charging the jury. As soon as it became known that the jury was at last deliberating on its ver-dict the Criminal Courts Building became filled with a big crowd, which packed around filled with a big crowd, which packed around the door of the court room so closely that persons who had business in the building had trouble in getting about. A number of curious persons also gathered outside on the street corners, the contingent that finds some sort of fascination in gazing up at the "Bridge of Sighs" being particularly numerous.

At half past 1 o'clock the court attendants took the jury across the street and over to a nearby restaurant, where they had luncha nearby restaurant, where they had luncheon in a private room. There was nothing to be gained from their appearance. They marched soberly along in pairs, saying nothing and acting merely like men who had a serious task to discharge and were bent upon doing it properly. The crowd stared and pressed in pretty close, but gave way at the order of the attendant bailiffs. Luncheon didn't seem to have been an elaborate affair for in about thirtybeen an elaborate affair for in about thirtybeen in the twelve men marched back five minutes the twelve men marched back

locked up. EIGHT SAID TO BE FOR ACQUITTAL Of course there were all the usual kinds of rumors flying around the big building, but there was only one report that there seemed to be any reason for heeding. This got about somewhere near half past 4 o'clock and had it that the jurors stood eight for acquittal on the ground of insanity and for for conviction of murder in the first

degree.

This division being about as radical as could possibly be the likelihood of another disagreement became apparent and the prophets of that outcome at once multiplied, though others thought the two wings would get together on some comprom

Mr. Jerome was asked in the course of the afternoon what action he would take should the jury acquit Thaw on the ground of

"I shouldn't do anything," he answered.
"It would be up to the Court. The Court could, if it believed Thaw a lunatic dangerous to the public safety, commit him to an asylum for the criminal insane, there to be held for observation and report.

One of the persons who crowded the Criminal Courts Building in the afternoon was Raefale Casconi, the Italian who was for long a fellow prisoner of Thaw in the Tombs. Casconi was once convicted of murder, but got a new trial and was acquitted. He and Thaw got to be very chummy and were allowed at one time to exercise together. He told everybody who would listen yesterday afternoon how in-erested he was in Thaw's case and how much he hoped that he would be acquitted A report ran about the building in the course of the afternoon that the jury was "coming in." There was a big rush for the coming in. In the was a big rush for the court room and sure enough the jury did come in, but it was the Grand Jury, not the Thaw jury. Late in the afternoon Mr. Jarome and Mr. Garvan left the building and went uptown. They didn't come back again, though both of them were within telephone call all the time. telephone call all the time.

THE JURY PACKS UP. At 6 o'clock the jury went up to the Hotel Knickerbocker for two purposes. The first was to get dinner. The second was to pack up their belongings that have been accuulating in their rooms in the last few mulating in their rooms in the last few weeks and take them down to the jury room where they were to spend the rest of their time until they were discharged. For this double purpose two hours and a half was allowed by the Court's instructions and they got back to the Criminal Courts Building at half past eight promptly. They were locked up again at once, and nothing more was heard of them for some hours.

nothing more was heard of them for some hours.

The Criminal Courts Building was practically deserted in the evening. Evelyn Nesbit Thaw still sat with her husband and Dan O'Reilly. At a neighboring restaurant Thaw's chief counsel, Martin Littleton, had dinner with Mr. O'Reilly. The District Attorney's office was kept open, but nobody was there save a few attendants and the reporters. Justice Dowling ants and the reporters. Justice Dowling went up to the Manhattan Club for dinner and left word to be called by telephone in case he should be needed. Old timers said that considering the importance of the case it was one of the quietest even-ings the famous building had known when urder jury was out.

Justice Dowling's charge to the jury was regarded generally as a temperate, im-partial deliverance. There was nothing senpartial deliverance. There was nothing sensational about it. It expounded the law governing the case in terms rather more lucid and simple than are often employed by Judges presiding at murder trials. Counsel both for Thaw and the prosecution said they had no fault to find with the charge. After it was finished and they were asked if they wished to request that the jury be charged on any additional point both Mr. Jerome and Mr. Littleton replied in the negative.

past 10, but it was swenty minutes after that time when the jury entered the room. Soon after Mrs. William Thaw came in, accompanied by her daughter, Mrs. George Lauder Carnegie, and the trained nurse who has been in attendance on her every time she has appeared at the present trial. The defendant's mother looked much stronger than she did when she appeared as a witness and walked with far less difficulty. She had scarcely taken her seat when Mrs. Evelyn Nesbit Thaw came in, accompanied by Josiah Thaw.

When Harry Thaw came in accompanied by the Tombe guard who always attends him one of the spectators in front of whom the defendant had to pass on his way to his seat inside the rail made some remark that angered the guard, who turned around

that angered the guard, who turned around and in a low tone made a threatening re-mark in reply. The incident passed off then but it had a sequel after the jury had retired.

then but it had a sequel after the jury had retired.

Justice Dowling waited a few minutes to see if the Grand Jury had any report to make. When word came that that body was not ready to appear the doors were looked and he started at once to deliver his charge. At that time there were a good many empty seats in the court room. One of the spectators was Charles B. Dillingham, whose name has been mentioned once or twice in the course of the trial.

A moment before Justice Dowling began to read his charge Mr. Jerome and Mr. Littleton shook hands and exchanged a pleasantry or two which set the jury smiling broadly. None of the jurors had the tense, set expression one would naturally have expected to see on the face of a man about to decide the life of a human being.

TAKE THE LAW FROM THE COURT ONLY.

TAKE THE LAW FROM THE COURT ONLY.
One of the first things Justice Dowling One of the first things Justice Dowling said was that it was the duty of the jury to disregard any statements of the state of the law and its application to the case that counsel for either side had made and to take the law exclusively from the Court. This was no occasion for speculation or guessing. The weight, credibility and meaning of the testimony were the only things that should be taken into consideration.

Taking up the affidavit which the prosecutaking up the aimavit which the prosecu-tion contends Evelyn Nesbit made in Hummel's office Justice Dowling said the truth of the statements in the affidavit was entirely immaterial. The only material point was whether the witness had made statements in this affidavit inconsistent with those she made on the witness stand, the evidence on this matter being valuable only as tending to attack or confirm her

credibility on material points.

Justice Dowling defined the various degrees of murder and manslaughter. Murder in the first degree involved pre-meditation and a deliberate design to effect death, but the human mind worked with such great celerity that only the circum-stances in each case could assure a jury whether there had been time enough whether there had been time enough for the accused to form a deliberate and pre-meditated design. As to the finding of a verdict in a lesser degree than the first Justice Dowling said:

If upon the evidence in this case there should be in your minds a reasonable doubt of the defendant's guilt of murder in the first degree, but no reasonable doubt as to his guilt of murder in the second degree, it is your duty to give him the benefit of that doubt and flud him guilty of murder in the second degree. You will remember that you are not bound by the terms of the indictment, but if you find the defendant guilty you can find him guilty of whatever degree f crime you are satisfied beyond a reasonable doubt he is guilty of.

Justice Dowling warned the jury not to be influenced by any testimony reflecting upon the character of Stanford White, saving:

The general bad character of a person slain can neither tend to show that the party s not guilty of homicide nor in any sense mitigate the taking of human life. Equality before the law is a maxim of universal justice, and the life of the humblest and the most abandoned is equally entitled to the protecion of the law as that of the most cultivated, refined or elevated. It is not for men to say which may be taken and which spared.

SOME INSANITY NO EXCUSE. Justice Dowling went on to say that every phase of insanity was of the kind that relieved a man from responsibility for his acts. In the present case the in-sanity must be that which prevented him either from knowing the nature and quality of the act or that it was against the law. "Not every weak and disordered mind," he said, "is excused from the consequences of crime." He continued:

Did the defendant know his act was wrong? that he was unconscious of the criminal character and consequences of his action? Was he mentally capable of entertaining a criminal intent? Did he know the difference between right and wrong and have the power to choose between them? it was wrong to kill Stanford White?

The Justice emphasized the fact that a mere impulse impelling to the commission of crime was no excuse, and added:

The doctrine that a criminal act may be excused upon the notion of an irresistible mpulse to commit it when the offender has the ability to discover his moral and legal duty in respect to it has no place in law But it is a defence if his mind is in such an unsound state that reason and judgment are overwhelmed and he acted from an uncontrollable impulse and as an involuntary agent.

The jury was told that the heat of passion produced by anger, hatred or revenge could not be accepted as synonymous with insanity. As to the plea of hereditary insanity, the Court advised the jurors insanity, the Court advised the jurors that all the evidence on that point was material only as assisting the jurors in determining whether the defendant was insane at the time he did the killing. They were told further that they need not ac-cept the evidence of the experts if they did not deem it worthy of credence.

As to the testimony of Evelyn Nesbit Thaw, Justice Dowling said that the material point was not whether the bulk of was true, but whether she told it to Thaw and whether, acting upon a brain already diseased, it contributed to a condition of insanity under which he killed Stanford White. He closed his charge with these

The sober, careful common sense which has vindicated so often the great and implicit trust reposed by the people in our jury system will, I am sure, find new expression n your verdict.

It took the Judge just forty minutes to

Thaw and the members of his family listened quietly to the charge without any sort of display, and when it was over the defendant retired with his guard. Apparently the latter had told Thaw what remark had been made by the spectator who had offended when the defendant came in, for as Thaw repassed the man on his way out he stopped in front of him for an instant and glared malevolently down upon him. For a moment it looked as if Thaw meditated an attack on the man, but if so he abandoned

the idea, and with a rage went on his way.

Before the jury retired Foreman Gremmels said they would like to take the exhibits in the case with them, and counsel that they might do so. When they might do so. agreed that they might do so. When they had gone, Justice Dowling made a little speech in which he congratulated counsel speech in which he congratulated counsel for the temperate and speedy manner in which they had done their work. He said they had at all times conducted themselves

they had at all times conducted themselves with a view to securing even handed justice. He said also that he thought the good judgment displayed by the newspapers in the manner of treating the case had abundantly, justified his decision that all the sessions of the court should be public. He had a good word to say also for Court Capt. Lynch and Acting Captain Kelleher for the perfect order that they had maintained inside and outside of the court room.

Mr. Jerome and Mr. Littleton both made little speeches of thanks for Justice Dowllittle speeches of thanks for Justice Dowling's impartial attitude through the course

Ex-Mayor Whitney's 80th Birthday Ex-Mayor Daniel D. Whitney of Brooklyn elebrated his eighty-ninth birthday yesterday. He is hale and hearty and spends

street, near the ferry, sixty-eight years ago.

GOES MAD IN HER CLASSROOM

INSAND TRACHER SHRIBER PIRE AND TURNS IN AN ALARM.

Rose Hass's Violent Actions Make Prin cipal of Public School 150 Fearful of a Panie, but Children Remain Quiet

White faced teachers gathered in a knot before the principal's office of Public School 180, at 320 East Ninety-sixth street, at the noon hour yesterday, spoke in whispers not so much of what had happened, but of what might have happened when Rose Haas, one of their number, went mad before her class of very little children earlier in the morning and fled shricking down the corridors to the street. Miss Jackson, the principal, whose nerves had been fraved the strain of almost certain belief that her teacher had been insane when she took up her work at 9 o'clock, was thankful that nothing more than what had happened had come to break the tension of the morning

It was about fifteen minutes after 10 when Miss Jackson, sitting in her office on the lower floor of the building, heard a succession of shricks sounding from the floor above. She jumped to her feet and ran down along the corridor to the foot of the stairs leading from the second floor to the Ninety-fifth street entrance. Before she could gain the foot of the stairs she saw Rose Hass, her skirts gathered to her knee and her eves big with the strain of madness, rush down the steps, out through the door and into the street. She screamed continually.

Miss Jackson saw the woman race down the street in the direction of First avenue The principal called to some men who were lounging in front of a cigar store on the corner to stop the running woman. She could hear Rose Haas screaming "Fire!

William Conrodi, who happened to be passing the school on Ninety-fifth street, heard the woman screaming fire and ran to a fire box at Ninety-fifth street and First avenue. He turned in an alarm before Miss Jackson could reach him.

Hurriedly explaining to some of the men who gathered at the fire box that the woman ahead was insane and that under no circumstances should she be allowed to get back into the school the principal ordered another to send in a call for the Presbyterian Hospital ambulance. The men caught Miss Hass near the corner of First avenue and took her into a cigar store there. She continued to weep and to scream incoherently that the school was afire and that her children would be burned.

The principal raced back to the school, fearing she would already find the children streaming out in a panic. Everything was quiet. Up in the room at the southern end of the building that had been Miss Haas's charge an assistant principal was hearing a primer lesson. On none of the little faces at the desks was there a sign of trouble.

When the clang of the engines began to sound from up the street Miss Jackson went down to the door on the Ninety-fifth street side and motioned that the firemen should not come any closer. The men at the corner told them there was no fire, only a mad teacher who had given the alarm. So almost before a child sitting near the south windows in the big brick building across the street had stolen a chance to peek over the window ledge at the engines they had rolled away. Panic had been

averted by a narrow margin.
If it had not been that Miss Haas's room was somewhat apart from others in that wing of the building and that the corridor down which she ran screaming passed only vacant rooms the whole school would have been aroused, Miss Jackson said afterward. As it was, not even the little folk in her own room knew what had hap pened after she hurried out, leaving them alone with the plants and the goldfish in the tank near the window.

The principal told later what the sus-pense had been during the morning and how it felt to believe that one of the women children might not be sane. It had only a suspicion with the principal that Miss Haas's mind was unbalanced when she came to the school; in the morning, but

that was enough to make the strain severe Miss Jackson said that the unfortunate teacher, who lived with her parents at 444 Manhattan avenue, had come to School 150 three years ago with a transfer from another school. When she first took up another school. When she first took up work under Miss Jackson the new teacher explained that she had been advised to remove from her former school for the sake of a change. She had taken a rest of a year between the time of her transfer and of her appearance at School 150. From remarks that Miss Haas had let drop at odd times after that Miss Jackson got the impression that nervous trouble had caused her to take the year's rest.

Recently Miss Jackson had noticed that the pale young teacher who took care of the little ones up in the south wing of the school was becoming more and more distraught—"tired," as the girl put it. Just a few days ago Miss Jackson had talked to her, advising that she take a rest in time and before that nervousness should sales. and before that nervousness should seize her again. The teacher had said that she

On Thursday some of the other teachers had come to Miss Jackson with questions on their lips. Was not Miss Haas queer? Did Miss Jackson think she should con-

Did Miss Jackson think she should continue at her work?

Hardly had the bell sounded yesterday morning when Miss Haas appeared in the principal's office on a trivial errand. She said she would need such and such books next year. She talked somewhat uncertainly and her face was burning red. After the teacher had left the room Miss Jackson aummond an assistant principal and orsummoned an assistant principal and or-dered the latter to go up to Miss Haas's room and stay there for a time on the pre-

text of a regular visit of inspection.

Within an hour Miss Haas was again down in the office of the principal with a second trivial message. She trembled and her eyes shifted from one object to another. When she left Miss Jackson ordered another assistant to go to the another. When she left Miss Jackson ordered another assistant to go to the girl's room and under no circumstances to allow her to leave it until the noon hour, when she could be taken home. The assistant went to the room and stayed ther

left to attend to a duty in the office downstairs.

The minute before the latter assistant left Miss Haas's room all of the youngsters were doing their kindergarten work under their teacher's direction as quietly as usual and the girl with the burning spots on her cheeks was sitting behind her desk ruling lines on a piece of paper. A minute ater she was running shricking down the

At Bellevue Hospital Miss Haas was put in the alcoholic ward because the policeman who had gone down in the ambulance with her had lodged a technical charge of misdemeanor against her for turning in a false demands against new for turning in a raise alarm. Until a Magistrate shall have made disposition of the technical charge to-day Miss Hass cannot be put in the psycho-pathic ward for observation, this because of the hospital rule which segregates pa-tients charged with crime.

POLICEMAN DAWKINS INDICTED. Charged With Aiding and Abetting Two

Crooks in a Robbery Plot. The Grand Jury in Brooklyn yesterday brought in four indictments, including robbery in the first degree, burglary in the third degree and grand larceny, against Patrolman George Dawkins of the Adams street police station, who was arrested recently for aiding and abetting two crooks

in the robbery of a hardware store on hi John Boyd and Scott Ryan, the crooks upon whose statements Dawkins was arrested, were also indicted.

livene's dhips Pass Cape Virgins and Es Special Cable Despaich to TEN SUN.

CAPE VIRGINS, Argentina, Jan. 31.—The
United States battleship fleet under Admiral Evans was sighted from here late

last evening, steering for the entrance to the Straits of Magellan. All this morning the ships have been passing the cape. At noon six of the battleships were in sight. They were steaming slowly and were not very far

The first of the ships opened communica-tion with the Chilean lighthouse at Point Dungeness, across the inlet, shortly after passing Cape Virgins. This was about 6 P. M. yesterday. The vessel signalled her name as G B L S, but no code at Dungeness or here shows any correspond-

ing signal. Further signals, however, were succe fully read. The ship reported that she had been detached from the fleet, which was some hours behind her. Whether the separation was accidental or in order that the ship should act as a pilot to the rest was

not explained. A second vessel hove in sight at 10:10 last night. She stopped off Cape Virgins for several hours exchanging signals with the other ships in the offing. The main body of the fleet approached the entrance of the straits about daylight. They were in sight for several hours as they steamed around the promontory at the northern

The fleet anchored at 2 o'clock in the afternoon in Possession Bay, which is inside Point Dungeness. They will start again early to-morrow morning and will reach

Possession Bay, which is about five miles from the entrance to the first narrows of the Straits of Magellan, was chosen as a place of rendezvous because it affords excellent anchorage. One of the transports steamed into the

harbor of Punta Arenas at 6 o'clock this

It is likely that the signal misread as G B L S was really G R L W, which is the Vermont's signal. The Vermont is attached to the first division of the fleet, and might have been sent ahead or might have lost contact with the other ships through some accident and by steering closer in shore have reached the capes ahead of them.

The distance from the capes to Punta

The distance from the capes to Punta Arenas, the Chilean port at which the fleet s to stop, is about 100 nautical miles. Progress, however, once the ships enter the straits, is likely to be also

straits, is likely to be slow.

The fleet left Rio de Janeiro on the 22d and seems to have made a good run southward. The distance to Cape Virgins is about 2,230 nautical miles, and the rate of

about 2,230 nautical miles, and the rate of speed must have been about 11 knots an hour, considerably higher than in the run from Port of Spain to Rio.

Under the original schedule, the fleet was to have reached Punta Arenas on January 31. As the ships sailed a day behind time from Rio, they seem to have been steaming hard to catch up during the stretch of their voyage now completed.

THE CHICAGO TO MEET FLEET. Has 100 Bags of Mail for Ships-Commander Sees President of Peru. Special Cable Despatch to THE SUN.

LIMA, Peru, Jan. 31.-This afternoon ommander Robert M. Doyle, commanding the cruiser Chicago, visited President Pardo at the palace here.

On Tuesday next the Chicago will sail southward, carrying 109 mail bags for Rear Admiral Evans's fleet

JAIL FOR SUFFRAGETTES. Riotons Women Arrested at Asquith's House

Get a Month Each. Special Cable Despatch to THE SUN.

LONDON, Jan. 31.-The suffragettes. satisfied with the reply made by Herbert Asquith, Chancellor of the Exchequer, to a deputation of suffragettes which saw him by appointment at his office vesterday afternoon, resolved to send another deputation

When the deputation presented itself admission was refused and the women resorted to the usual tactics of plying the doorknocker, ringing the bell and making speeches. They declined to disperse at the com-

mand of the police and four of the ringleaders were arrested. Later they were sentenced to pay a fine of 40 shillings or suffer a month's imprisonment. They accepted the imprisonment.

SCHOONER ON AND OFF ROCKS, German Vessel Saved at the Sacrifice of Her Deck Cargo.

Special Cable Despatch to THE SUN KINGSTON, Jamaica, Jan. 31.—The German schooner Lotzing, from Gulfport, arrived here to-day after having been ashore on Colorado Reef five days ago. She jettisoned her deckload and refloated

three hours later. She sustained no dam-Transvaal Releases Indians Special Cable Despatch to THE SUN.

JOHANNESBURG, Jan. 31.—The natives of

India who were arrested for failure to comply with the provisions of the Registration act have been released under the compromise arranged between the Gov-ernment and the Asiatics.

The Weather.

The cold weather continued in the middle Atlantic and New England States yesterday, except in western New York, where it was a little warmer. In Maine it was colder. Warmer weather covered all the central sections from the Gulf and south Atlantic States north to

the Lake regions.
From the upper Missouri Valley west to Pacific coast it was colder.

Zero and below covered northern New York

and all but the most southern part of New England, the upper Lake regions and in the West as far south as Colorado. A storm from the ax reme West was central over Oklahoma yesterdry, distributing snow over

the northern valleys and Lake regions, and rain in the lower Mississippi Valley and Gulf States. In the middle Atlantic and New England States and the extreme West and Southwest the weather

the same; wind, brisk northwest; average humidity \$1 per cent.; barometer, corrected to read to sea level, at & A. M., 30.60; 5 P. M., 30.54. The temperature yesterday, as recorded by the official thermometer, is shown in the annexed tast

1908, 1907.

9 A. M. 7° 16° 5 P. M. 21°

12 M. 14° 21° 9 P. M. 22°

3 P. M. 22° 27° 12 Mbd. 21°

WASSINGTON FORECAST FOR TO-DAY AND TO-MORROW For eastern New York, snow to-day, possibly turn-ing to rain in extreme southern portion; colder to-morrow, with fair in southern and snow in northern portions; brisk to high southeast to southwest winds, shifting to westerly and northwesterly by to-morrow

For New England, snow and warmer to-day; snow or rain to-morrow and colder in western and southern portlons: brisk to high southeast to south winds, becoming westerly by to morrow morning. For eastern Pennsylvania and New Jersey, snow in northern and rain or snow in southern portions to-day, warmer; fair and colder to-morrow; brish to high southeast to south winds, shifting to west-erly and northwesterly by to-morrow morning.

For Maryland, rain or snow and warmer to-day For Maryland, rain or show and warmer to-day; colder and fair to-morrow, except snow in the mountain districts; brisk to high southerly winds, shifting to northwesterty by to-morrow morning. For the District of Columbia and Delaware, rain or snow and warmer to-day; partly cloudy and colder to-morpow; brisk to high southerly winds, hifting to northwesterly to-morrow morning. For western New York, snow and warmer to-day; snow and colder to-morrow; high southeast to south winds, becoming westerly by to-morrow morning.

COLORADO KERPS NOSE-IN GASE TILL ALL ARE TAKEN OFF.

ne of Two Bold Swimmers Who Plunger Into Bay Missing—Polite Skipper Wen't Say Who's to Hlame—Lighter's Side Lights Dim, Mallery Captain Says

The Mallory liner Colorado, scheduled to sail at noon yesterday for Brunswick and Mobile with passengers and freight, was delayed until after dark taking on cargo and did not get away until 6 o'clock last night. As she turned from the East River into the bay her commander, Capt. Edgar O. Smith, saw ahead of him about 1,000 feet west of Castle Williams, Governors Island, the outlines of a steam lighter which he supposed was taking a southerly course like himself. The night was very dark but clear and Capt. Smith says the side lights of the lighter, New York Central No. 24, bound from South Brooklyn to Weehawken with a cargo of jute butta. were so dim that he could not tell until he was so close to her that it was impossible to

avoid collision which way she was heading. Capt. William F. Ward of the lighter saw the iron cutwater of the liner impending and let his whistle shriek a warning blast Before he could let go the whistle cord the Colorado's bow was two-thirds on the way through the lighter amidships.

Capt. Smith did not back out of the gash as an inexperienced skipper might do. He saw that by holding the liner's nose close to the lighter he would keep the bay from flowing into her and her crew might have a good show for their lives. So he pushed her along until he could swing a lifeboat out on the davits and lower it. Meanwhile out on the davits and lower it. Meanwhile two of the crew of the lighter, Dominick Corry, the mate, and his brother, Joseph

corry, the mate, and his brother, Joseph, sturdy swimmers, had jumped overboard and started to swim toward the lifeboat descending from the Colorado.

The steam lighter Tonawanda of the Lehigh Valley fleet happened along and picked up Joseph Corry and took off other members of the lighter's crew. Life preservers were thrown from the Colorado and from the Staten Island ferryboat Bronx, nearing her Manhattan slip.

Manhattan slip.

The Bronx also lowered a lifeboat, and the Bronx also lowered a lifeboat, and other craft attracted by the death wail of the wrecked lighter's whistle also joined in the life saving. The Colorado's lifeboat took off Capt. Ward and those who had stuck to the lighter. Then the prow of the liner was withdrawn and the flood that gushed into the great slit in her port side made her turn turtle and vanish mast dow in about forty feet of water. The Colorad then anchored and both skippers boarded the police boat Patrol, which had come out in command of Lieut. Dwyer after getting news of the collision from Patrolman Stephen King, who was on the ferryboat

The two skippers greeted each other with much politeness and neither would tell what sort of whistles he blew until called upon to do so by the proper authorities, meaning the inspectors of steam vessels. Capt. Ward said to Capt. Smith, "You acted like a gentleman," and Capt. Smith bowed and responded, "Sir, you acted like a gen-tleman." Then the skippers shook hands again and Capt. Smith went out to his ship and proceeded toward Brunswick. She was dented a bit forward above the waterline,

but otherwise was shipshape.
All hands were accounted for except
Mate Dominick Corry, and the impression of Capt. Ward is that the mate was picked up by some of the several craft that gathered around the wreck or that he might have got aboard the Colorado.

The way the lighter happened to get his on the port side was explained by one of her She found that she could not cross to turn to the right, or to starboard, and presented her port side to the steamship. The lighter was 100 feet long, measured 215 tons and was built at Tottenville last year

DUBLIN SCANDAL SCAPEGOAT. Ulster King of Arms Removed as Result of Theft of St. Patrick Jewels.

Special Cable Despatch to THE SUN LONDON, Jan. 31 .- The Pall Mall Gazette says that the result of the viceregal commission's inquiry into the mysterious disappearance of the jewels of the Order of the Knights of St. Patrick from the strong room of Dublin Castle in July last is that Mr. Birrell, Secretary for Ireland, has ordered that Sir Arthur Edward Vicars, the Ulster King of Arms, who had custody of the

jewels, be superseded. The report of the viceregal commission, which has been published, expresses the opinion that Sir Arthur Vicars, as custodian of the jewels, did not exercise due vigilance and proper care. The report says that there is no evidence to support the suggestion that Francis Shakleton, late of the Dublin

Herald, was the author of the crime. The Gazet's announces that Capt. Wilkinson will supersede Sir Arthur Vicars. The latter has issued a letter reiterating his wish for a public inquiry and appealing to his countrymen to help him to obtain it.

Sir Arthur resigned from the investigating body on January 10 for the reason that the inquiry was not to be thorough and was not to be made in public. This went to confirm rumors that the official intention was to screen some one much higher up than Sir Arthur Vicars and make him the scapegoat. Meanwhile the facts of the disappearance of the jewels and of their recovery, if they have been recovered, are still an official secret. It is believed that behind the theft there

is a hideous scandal similar to that recently exposed in the German court. FIRE ON THE MAJESTIC. Smoking Room of White Star Lines Scorched at Southampton.

Special Cable Despatch to THE SUN. SOUTHAMPTON, Jan. 31 .- A fire on the White Star steamship Majestic this afternoon gutted the smoking room and severa cabins before it was checked.

The Majestic is scheduled to New York on February 5.

It was said at the office of the White Star Line in this city yesterday that the Majestic would miss one trip because of the fire, which caused damage estimated at about \$5,000 All the passengers had been landed when the fire occurred. The first class smoke room had been gutted and a large part of the second cabin burned, besides four staterooms on the after section of the

OCEANA LEAV ES PASSENGERS. Tourists Stranded in Jamaica by Promp Sailing of Steamer.

Special Cable Despatch to THE SUN. KINGSTON, Jamaica, Jan. 31.—Several of the passengers on the Hamburg-American Line steamer Oceaha, which is making a West Indian cruise, were left here, they not having rejoined the steamer at the time fixed for her sailing yesterday.

DR. JAMESON RESIGNS. Former Transvaal Baider No Longer Promier of Cape Colony.

Special Cable Despatch to THE SUN CAPE Town, Jan. 31.-Dr. Leander Starr Jameson, Prime Minister of Cape Colony, which office he has held for three years, has resigned. -

Leander Starr Jameson is the famous Transyaal raider. He was elected to the Cape Legislature in 1900 and became premier in 1904. He was appointed director of the De Beers diamond syndicate in 1900 and of the British South African Company in 1902. He is 55 years old.

## BASTLE PLEET IN THE STRAFTS. LINER SINKS STEAM LIGHTER By the Author of THE BRASS BOWL



## The Contents Will Interest You!

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WILL PLACE ON SALE THIS DAY (SATURDAY). FEB. 1st.

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27 INCHES WIDE, . . AT 58c. PER YARD.

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## ROOSEVELT AFTER THIRD TERM

Continued from First Page.

out when its reading was concluded it was Jeff Davis of Arkansas who gave the first sign of approval of the President's sentiments. With an enthusiastic note in his voice he moved that 10,000 extra copies of the message be printed and then said: This is the best Democratic doctrine I have heard emanate from a Republican Source."

Afterward, but before his enthusiasm had abated. Senator Davis sent for the reporters and dictated this:

"The President, in fact, has put it more aptly and strongly than I could do myself. He has in that message, which will become famous in history, adopted the views which I have so long entertained and so often expressed. In fact, I would have to take up one hole in my belt and come again, as Roosevelt has put it ahead of me in this deliverance."

It should be kept in mind that this is not an offhand quotation from memory, but was dictated by Senator Davis.

After Senators and Representatives had finished asking "What does it mean?" they asked "What will it lead to?" Many conservative Republicans in Congress shook their heads and declared that this was the spark that was needed to kindle the fire of discontent among those who are facing much to bring about business depression at a period when everything possible should be done to produce a calm state of feeling between capital and labor was a very general view. One Republican Senator said:

"There are 60,000 men out of work in Chicago now. When the Republican national convention meets in June the city will be filled with an army of unemployed, more than a hundred thousand. With this message to incite them there will be demonstrations. Suppose a hundred thousand desperate men stormed the convention hall demanding Roosevelt's renomination?

It is said that the President was stung to the quick by the charges that he was a destroyer of national credit and national prosperity. He was incensed particularly over the widespread advertisement of an article entitled "Roosevelt the Destroyer." He was angered too over the criticisms of his unfavorable comments on the judgments of Federal courts, and to show that he was not alone in his attitude toward the judiciary appends to his message a pamphlet issued by the directors of the Standard Oil Company containing critical comments of their own and of newspapers and magazines on Judge Landis's action in imposing a fine of \$29,000,000 on that concern. There is appended also a statement of Attorney-General Bonaparte on

the Santa Fé rebate case. The radicals in Congress are jubilant. Jeff Davis's views were seconded by Senator La Follette and others of his school. thoroughly indorse all the President said,"

declared Mr. La Follette. "That message will get the nomination for Roosevelt next June," said Representative Champ Clark of Missouri. "The Republicans are worse disorganized than we were in 1896. Any Democrat can be elected

Fitzgerald of New York the prayer of Chaplain Couden the day before yesterday. On that occasion the Chaplain prayed: "Good Lord, deliver us, we beseech Thee from the jingo, the demagogue, the bigot and all other undesirable citizens, and give us instead the patriot, the statesman, the

The message recalled to Representative

broadminded, generous hearted, manly "Somebody gave the Chaplain the wrong tip," said Mr. Fitzgerald. "The Chaplain evidently intended that prayer to accompany the message."

Mr. Hepburn of Iowa in commenting

on the message said: "To-day's message is a wonderful document. It is unusual in many respects, but fully justified by present conditions. No man in the Presidential chair has been so scandalously, shamefully and venomously assailed as President Roosevelt, and I am glad he has given to his calumniators the body blows to be found in the message by its simple recurrence to established facts and its call to Congress and the people to remember and reflect upon things

they know." Bourke Cockran of New York agreed ubstantially with Col. Hepburn. "The nessage," he said, "is a clarion call to the virtue of the country. I do not believe that any man who dislikes or dissents from it would dare give audible criticism of its There is no partisanship insage will be permanently entombed in the Congressional Record. While the Indian appropriation bill was later before the committee of the whole Mr. Adamson of Georgia asked consent to extend his remarks in that publication and added:

"Having been assured that time is precious I will not even take enough to properly congratulate the country upon the splendid democracy of the President as shown in the message read here to-day; nor to express my opinion for belated and perfunctory applause by the Republicans following the magnificent outburst on this side of the house

One of the features of the message that attracted much attention was the use of the plural pronoun by the President in referring to his policies. "We" and "our" in place of "I" and "my" are thickly sprinkled throughout the document. the President meant to include others in the use of these pronouns is not clear; but many Senators and Represen are inclined to the opinion that he was speaking in the royal sense, of himsel

BRYAN BACKS UP ROOSEVELT. Says His Latest Message to Congress Is a

Warning to Wall Street. WILMINGTON, Del., Jan. 31 .- William J. Bryan came to Wilmington this afternoon. He was welcomed by the Woodmen of America, who extended him a greeting as a fellow member. Bryan took supper with a friend here, made a brief speech at the opera house and then went to a dinner,

where he and several others spoke. In his speech at the opera house Mr Bryan asked his hearers if they had read the President's special message, and added that if they had not read it they should do so. He called on the Democrats to stand loyal to the President in his fight against the "system." He said that if Wall Street did not know it before it must know to-day that the President will not stand in defence of the "system." He declared that the administration of Roosevelt had been a vindication of the principles of the Demo-

oratic party.

Mr. Bryan said that in a former message the President had approved specifically some Democratic doctrines and in his message to-day he had approved about everything that he had not advocated on the president of the party of previous occasions. He said he recognized and commended the moral courage of the President in urging these things in spite

Mr. Bryan said he had been criticised for complimenting the President, but he enjoyed the advantage of having his ideas made respectable by the President, and consequently he was elated; but, he added, "Bryanism was not originated by me. They used to speak of Bryanism in derision, but now they cannot rub it out." He said he was cussed for attacking swollen fortuness but now the President was getting half

COMPLAINANT DISAPPEARS

And Clerk of Yorkville Court Calls Com sioner Bingham's Attention to Occurre Chief Clerk Richter of the Yorkville court has notified Commissioner Bingham of an occurrence which resulted in the disappearance of a complainant just as he was about to sign the affidavit he had sworn out. The complainant was John Egan of 226 West Thirty-seventh street, who had Alice Smith of 208 East Thirty-third street

Alice Smith of 208 East Thirty-third street arrested on the charge that she stole \$40 from him the night before.

While Assistant Clerk Klein was preparing the papers in the case, however, Policeman Wolf of the East Twenty-second street station, who made the arrest, was called out of the room by Lieut. Bingham of the court squad. During his absence Egan disappeared.

Magistrate Finn adjourned the case until to-day.

POSTUM.

PANTRY CLEANED A Way Some People Have

"Before marriage my wife observed in summer and country homes, coming in touch with families of varied means, culture, tastes and discriminating tendencies, that the families using Postum seemed to

average better than those using coffee. "When we were married two years ago Pestum was among our first order of groceriës. We also put in some coffee and tea for guests, but after both had stood around the pantry about a year untouched, they were thrown away, and Postum used only "Up to the age of 28 I had been accustomed to drink coffee as a routine habit and suffered constantly from indigestion and all its relative disorders. Since using Postum all the old complaints have con pletely left me and I sometimes wonde I ever had them."

Name given by Postum Co., Battle Cree-Mich. Read "The Road to Wellville," pkgs. "There's a Reason."